

the reorganization court shall specify that trustee certificates, guaranteed by the Secretary as to payment of principal and interest, shall be treated as an expense of administration and receive the highest lien on the railroad's property and priority in payment under the Bankruptcy Act.

(3) Unexecuted copies of the foregoing documents will be delivered to the Administrator 3 business days prior to closing.

(b) The guarantee by the Secretary of a loan pursuant to an application filed as provided in this part should not be construed as relieving a carrier from complying with applicable provisions of section 20a of the Interstate Commerce Act (49 U.S.C. 20a) in relation to the issuance of Trustee certificates.

## PART 256—FINANCIAL ASSISTANCE FOR RAILROAD PASSENGER TERMINALS

### REGULATIONS GOVERNING APPLICATIONS FOR AND DISBURSEMENT OF FINANCIAL ASSISTANCE

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#### APPENDIX A TO PART 256—CERTIFICATE

AUTHORITY: Sec. 4(i) of the Department of Transportation Act, 49 U.S.C. 1653(i), as amended by (1) sec. 15 of the Amtrak Improvement Act of 1974, Pub. L. 93–496, 88 Stat. 1528; (2) sec. 13 of the Amtrak Improvement Act of 1975, Pub. L. 94–25, 89 Stat. 93; (3) sec. 706 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94–210, 90 Stat. 125; and (4) sec. 219(a) of the Rail Transportation Improvement Act, Pub. L. 94–555, 90 Stat. 2629; and regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(r).

### REGULATIONS GOVERNING APPLICATIONS FOR AND DISBURSEMENT OF FINANCIAL ASSISTANCE

#### § 256.1 Purpose.

The purpose of this part is to establish procedures for implementing subsection 4(i) of the Department of Transportation Act as amended (49 U.S.C. 1653(i)) with respect to all finan-

cial assistance provided under that subsection.

[40 FR 29080, July 10, 1975]

#### § 256.3 Definitions.

As used in this part—

(a) *Act* means the Department of Transportation Act, as amended.

(b) *Administrator* means the Federal Railroad Administrator, or his delegate.

(c) *Allowable project costs* means those project costs for which Federal financial assistance may be expended under § 256.7.

(d) *Applicant* means a governmental entity, a non-profit public-purpose organization, or any responsible person having the legal, financial, and technical capacity to implement an intermodal passenger terminal project under this part. The applicant must have legal authority to receive and expend Federal funds.

(e) *Chairman* means the Chairman of the National Endowment for the Arts.

(f) *Civic and cultural activities* includes, but is not limited to, museums, libraries, musical and dramatic presentations, art exhibitions, adult education programs, public meetings of community groups, convention visitors and others, and other public activities supported in whole or in part under Federal law.

(g) *Council* means the Advisory Council on Historic Preservation.

(h) *Demonstration funds* means funds authorized for the purpose set forth in paragraph (1)(A) of subsection 4(i) of the Act.

(i) *Intermodal passenger terminal* means an existing railroad passenger terminal which has been or may be modified as necessary to accommodate several modes of transportation, including intercity rail service and some or all of the following: Intercity bus, commuter rail, intra-city rail transit and bus transportation, airport limousine service and airline ticket offices, rent-a-car facilities, taxis, private parking, and other transportation services.

(j) *National Register* means the National Register of Historic Places maintained by the Secretary of the Interior.

(k) *Planning funds* means funds authorized for the purpose set forth in paragraph (1)(D) of subsection 4(i) of the Act.

(l) *Preservation funds* means funds authorized for the purpose set forth in paragraph (1)(B) of subsection 4(i) of the Act.

(m) *Project* means a locally sponsored, coordinated, and administered program, or any part thereof, to plan, finance, construct, maintain, or improve an intermodal passenger terminal, which may incorporate civic or cultural activities where feasible in an architecturally or historically distinctive railroad passenger terminal.

(n) *4R Act* means the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, Public Law 94-210, 90 Stat. 125, 49 U.S.C. 1653.

(o) *Sufficient commitments* means commitments of a binding nature adequate to ensure the successful operation of a project. Such commitments may be conditional, requiring, for example, the participation of other entities in the project, or action by a date certain.

[40 FR 29080, July 10, 1975, as amended at 43 FR 21887, May 22, 1978; 44 FR 21647, Apr. 11, 1979]

#### § 256.5 Eligibility.

(a) *General.* A project is eligible for financial assistance under subsection 4(i) of the Act if:

(1) The applicant provides satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal financial assistance granted to the applicant under the Act;

(2) The applicant complies with the regulations of the Administrator prescribed in this part, and with such other terms and conditions as may be included in the grant of assistance; and

(3) The Council is given a reasonable opportunity to review and comment upon the project as it affects property listed or eligible for listing on the National Register.

(b) *Demonstration funds.* A project is eligible for financial assistance in accordance with subsection 4(i) of the Act if the Administrator determines that:

(1) The railroad passenger terminal can be converted to an intermodal passenger terminal;

(2) There exist sufficient commitments by Amtrak or other rail passenger carriers, and by intercity bus carriers, the local public transportation authority, or other public or private transportation operators, to provide co-ordinated service for convenient intermodal interchange to meet the goals enumerated in paragraph (b) of § 256.13;

(3) The railroad passenger terminal is listed on the National Register;

(4) The architectural integrity of the railroad passenger terminal will be preserved, and this determination is concurred in by the consultants recommended by the Chairman and Council and retained by the Administrator for this purpose;

(5) To the extent practicable, the use of station facilities for transportation purposes may be combined with use for other civic and cultural activities, especially when such use is recommended by the Council or the Chairman, or the consultants retained by the Administrator upon their recommendation;

(6) The applicant has provided the information and documentation required under § 256.11(c).

(7) The railroad passenger terminal and the conversion project meet such other criteria as the Administrator may develop and promulgate in consultation with the Chairman and the Council.

(c) *Preservation funds.* A project is eligible for financial assistance in accordance with subsection 4(i) of the Act if the Administrator determines that:

(1) The applicant is empowered by applicable law, and is qualified, prepared, and committed, on an interim basis pending the formulation of plans for reuse, to maintain and prevent the demolition, dismantling, or further deterioration of, a railroad passenger terminal;

(2) The railroad passenger terminal is threatened with demolition, dismantling, or further deterioration;

(3) There is a reasonable likelihood that the railroad passenger terminal will be converted to or conditioned for reuse as an intermodal passenger terminal. The primary use of the terminal